



Bill No. 049

**BY- LAW NUMBER 2011-**

**A By-law of the Corporation of the City of Barrie to authorize billing and collection of water and wastewater services for the City of Barrie.**

**WHEREAS** the Municipal Act, 2001, S.O. 2001, c. 25, Section 9, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

**AND WHEREAS** the Municipal Act, 2001, S.O. 2001, c. 25, Section 8(1), provides that Sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues;

**AND WHEREAS** the Municipal Act, 2001, S.O. 2001, c. 25, Section 11, provides that a single tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein, *inter alia*; public utilities;

**AND WHEREAS** the Municipal Act, 2011, S.O. 2001, c.25, Section 80, provides that a municipality may at reasonable times enter on land to which it supplies a public utility, to inspect, repair, alter or disconnect the service pipe, wire, machinery, equipment and other works; to inspect, install, repair, replace or alter a public utility meter and for such purposes, to shut off or reduce the supply of the public utility to the land; and, if a customer discontinues the use of a public utility on land or the municipality lawfully decides to cease supplying the public utility to land, to shut off the supply of the public utility; remove any property of the municipality or determine whether the public utility has been or is being unlawfully used;

**AND WHEREAS** the Municipal Act, 2011, S.O. 2001, c.25, Section 81 provides that a municipality may shut off the supply of a public utility to land if fees and charges payable by the owners or occupants of the land for the supply of the public utility are overdue, subject to the municipality providing reasonable notice of the proposed shut-off to the owners and occupants of the land by personal service or prepaid mail or posting the notice on the land in a conspicuous place.

**AND WHEREAS** the City operates and maintains a municipal waterworks and wastewater system within its municipal boundaries;

**AND WHEREAS** the Council of the City deems it expedient to make certain rules and regulations concerning the said waterworks and wastewater system, in accordance with the Municipal Act, 2001;

**AND WHEREAS** pursuant to section 80 of the Municipal Act, 2001, a municipality may at reasonable times enter on land to which it supplies a public utility, to inspect, repair, alter or disconnect the service pipe, wire, machinery, equipment and other works; to inspect, install, repair, replace or alter a public utility meter and for such purposes, to shut off or reduce the supply of the public utility to the land; and, if a customer discontinues the use of a public utility on land or the municipality lawfully decides to cease supplying the public utility to land, to shut off the supply of the public utility; remove any property of the municipality or determine whether the public utility has been or is being unlawfully used;

**AND WHEREAS** pursuant to section 81 of the Municipal Act, 2001, a municipality may shut off the supply of a public utility to land if fees and charges payable by the owners or occupants of the land for the supply of the public utility are overdue, subject to the municipality providing reasonable notice of the proposed shut-off to the owners and occupants of the land by personal service or prepaid mail or posting the notice on the land in a conspicuous place:

**AND WHEREAS** the Council of the Corporation of the City of Barrie adopted Motion 11-G-063 as amended by 11-A-101, the Council of the Corporation of the City of Barrie deems it expedient to pass a by-law to govern billing and collection service for water and wastewater.

**NOW THEREFORE** the Council of The Corporation of the City of Barrie hereby enacts the following:

## 1.0 DEFINITIONS

### 1.1 For the purpose of this by-law:

- a) "City" shall mean The Corporation of the City of Barrie and its employees;
- b) "condominium" shall mean all residential or non-residential properties with more than one unit and each unit may be separately owned.
- c) "contractor" shall mean a person, partnership, or corporation who contracts to undertake the execution of work authorized by the owner or the City to install or maintain watermains, service watermains, sewer laterals, meters, services, hydrants and other appurtenances.
- d) "Council" shall mean the Council of The Corporation of the City of Barrie
- e) "curb stop valve" shall mean the valve on the water service owned and used by the City to shut off or turn on the water supply from the City's drinking water system to any property by way of the private water service.
- f) "customer" shall mean any person who takes water from the City or receives water and wastewater related services from the City.
- g) "Director of Operations" shall mean the Director of Operations or his or her delegate.
- h) "drinking water system" shall mean a system of works, excluding plumbing, that is established for the purpose of providing users of the system with drinking water and that includes any thing used for the collection, production, treatment, storage, supply or distribution of water, any thing related to the management of residue from the treatment process or the management of the discharge of a substance into the natural environment from the treatment system and a well or intake that serves as the source or entry point of raw water supply for the system.
- i) "Fees By-law" shall mean the Fees By-law.
- j) "meter" shall mean the water meter and all equipment, cabling and automatic meter reading devices supplied and owned by the City, however, funded, to measure the quantity of water used by the customer for billing purposes.
- k) "property" includes both public and private lands, building, structures, boats or vehicles located in the City and which may be entitled to a water service.
- l) "occupant" shall include any lessee, tenant, inmate, owner, the agent of a lessee, tenant or owner, or any person in possession of a property.
- m) "owner" shall include any person or any firm or corporation that is the registered owner of the property under consideration or any agent thereof, a person entitled to a limited estate in land, a trustee in whom land is vested, a committee of the estate of a mentally incompetent person, an executor, an administrator or a guardian.
- n) "plumbing system" shall mean the system of connected piping, fittings, valves, equipment, fixtures and appurtenances contained in plumbing that begins, is located and is connected immediately before and after the meter.
- o) "potable water" shall mean water as defined by the Safe Drinking Water Act and its Regulations.
- p) "private water meter" shall mean a meter purchased and installed by the customer for secondary measurement of water consumption for the purpose of calculation exemptions.
- q) "private water service" shall mean a pipe connected to a water service and installed on private property for the purpose of supplying any property in the City with water.
- r) "Treasurer" shall mean the Treasurer of The Corporation of The City of Barrie or his or her delegate(s).
- s) "unit" shall mean a residential, commercial or industrial establishment which is separated or is capable of being separated from another establishment on the assessment roll.
- t) "wastewater rate" shall mean a charge for the operation and maintenance of the wastewater system and the purchase of wastewater services applied to the metered usage of water and shall include a charge for depreciation, deferred maintenance, or a reserve fund for any such purpose permitted by by-law as deemed expedient by Council. The rate may include a charge for the capital cost of the wastewater system and alterations or extensions to it which includes a debt charge but does not include charges imposed under the Municipal Act, 2001 for local improvements.

- u) “wastewater system” shall mean the buildings, structures, plant, machinery, equipment, appurtenances, devices, conduits, outlets, underground pipelines, and installations and other works designated for the collection and transmission of domestic, commercial and/or industrial wastewater and includes lands appropriated for such usage but does not include plumbing to which the Building Code Act, 2006, or any amendments thereto apply.
- v) “wastewater works” means any works for the collection, transmission, treatment or disposal of wastewater, or any part of such works, but does not include plumbing to which the Building Code Act, 2006 applies.
- w) “water” shall mean potable water supplied by the City.
- x) “watermain” shall mean any system of pipes and appurtenances used for the distribution of drinking water, but does not include plumbing or a plumbing facility..
- y) “water service” shall mean the pipe and fittings owned by the City which conveys potable water from a drinking water system established by the City and situated between the connection on a watermain and the street line.
- z) “water rate” means a charge for the operation and maintenance of the drinking water system and the purchase of water and shall include a charge for depreciation, deferred maintenance, or a reserve fund for any such purpose permitted by by-law as deemed expedient by Council. The rate may include a charge for the capital cost of the drinking water system and alterations or extensions to it which includes a debt charge but does not include charges imposed under the Municipal Act, 2001 for local improvements.

## **2.0 RESPONSIBILITIES**

2.1 For the purpose of this By-Law the Director of Operations is responsible for:

- a) The general operation, management and supervision of the drinking water system and the wastewater works owned by the City
- b) The enforcement of the provisions of this By-law other than those dealing with the billing and collection of water and wastewater related charges.
- c) The management of the billing exceptions program
- d) The performance of other duties as may from time to time be given to him or her by the Council.

2.2 For the purpose of this By-law the Treasurer is responsible for:

- a) The operation, management and supervision of the billing and collection of water and wastewater related charges.
- b) The enforcement of the provisions of this By-law relating to the billing and collection of water and wastewater charges.
- c) The performance of such other duties as may from time to time be given to him or her by the Council.

## **3.0 RULES AND REGULATIONS**

3.1 The rules and regulations set out in this By-law shall govern and regulate the billing and collection of water and wastewater related charges.

3.2 Every such owner by applying for or accepting a supply of water from the City or discharging wastewater into the system shall be deemed to have expressed his or her consent to be bound by the said rules and regulations.

3.3 If the City becomes aware of any substantial defect including but not limited to damage to persons or property or issues that may impact water quality, the City at its discretion may turn off the water supply to the property. The City will turn on the water supply once it has been satisfied that the defect has been rectified. The turning on of the water supply is subject to the rates as specified in the Fees By-law.

## **4.0 WATER SUPPLY**

4.1 Once water supply is live with respect to a property or building, the owner is subject to charges as outlined in this by-law.

## **5.0 WATER METER INSTALLATION**

5.1 In accordance with the City's Water Distribution Specifications:

- a) Not more than one meter shall be placed in each commercial building, industrial building, condominium, apartment, house or other structure for billing purposes.
- b) The owners shall provide a capital contribution to the City for meters up to and including 50 mm for the meter, automated remote reading device and installation of the water meter prior to building permit issuance. These meters and associated automated reading devices shall be supplied and installed by the City unless otherwise provided by agreement, and shall remain the property of the City.
- c) All meters larger than 50mm and automated remote reading devices shall be supplied and installed by the Owner in accordance with the City's standards and specifications and will become the property of the City at the time of occupancy.
- d) All meters shall be installed prior to occupancy.

5.2 If a request is made to the City to install a meter and the plumbing has not been completed in accordance with the Building Code Act, 2006, a plumbing not ready charge in the amount specified in the Fees By-law shall be applied.

5.3 If an owner does not respond to requests made by the City to install a meter the water supply may be turned off until such time as the owner makes suitable arrangements to have the meter installed. The charges set out in the Fees By-law for turning the water on and off shall apply.

## **6.0 UNAUTHORIZED INTERFERENCE WITH METER**

6.1 No person, except a person authorized by the City for that purpose, shall be permitted to open, or in any way whatsoever to tamper with any meter, or with the seals placed thereon, or do any manner of thing which may interfere with the proper registration of the quantity of water passing through such meter.

6.2 Should any person change, tamper with or otherwise interfere, in any way whatsoever, with any meter placed in any building or property, the Director of Operations may forthwith, upon providing reasonable notice, shut off the water to such building or property, and the water shall not be turned on to such building or property without the express consent of the Director of Operations and the rate for turning water on and off as specified in the Fees By-law shall be applied to the account.

## **7.0 METER REPAIRS AND MAINTENANCE**

7.1 The entire cost of maintaining and repairing meters shall be paid for by the City unless such meter is damaged by the carelessness or neglect of the owner or occupant of the property on which such meter is installed and in that event the owner of the property shall pay to the City the cost of making the necessary repair to such meter.

7.2 If an owner does not respond to requests made by the City to gain access to the meter for any reason, the water supply may be turned off until such time as the owner makes suitable arrangements to have the meter inspected, repaired or installed. The charges specified in the Fees By-law for turning the water on and off shall apply.

7.3 If, in the opinion of the City the condition of the private water service and of the plumbing system on such piping is such that the meter cannot be safely removed for the purpose of testing, replacing, repairing or testing in place without fear of damage to the private water service the City may require the owner or occupant to make such repairs as may be deemed necessary to facilitate the removal or testing of the meter at their expense.

7.4 If, upon notification, the owner does not comply with the City's request to make repairs in accordance with Section 14, then the water supply to the property may be turned off at the curb stop valve during removal, replacement, repair and testing of the meter and the owner shall pay the rate for turning water on and off as specified in Fees By-law. The City shall not be held responsible for any damages to the owner's property arising from such work.

7.5 Any missed appointments for meter inspections, repairs, maintenance, or testing shall be charged a fee as specified in the Fees By-law.

7.6 Any leaks that may develop at the meter or its couplings must be reported immediately to the City. If an owner reports that a meter or its couplings are leaking and it is determined that the meter or coupling is not leaking or is leaking from the private water service or plumbing system, a service call fee as specified in the Fees By-law shall be applied to the water account.

**8.0 WATER AND WASTEWATER BILLING**

- 8.1 All properties connected to the drinking water system shall be metered
- 8.2 Every owner of land connected to the City of Barrie water or wastewater works shall pay water and wastewater charges based on metered water consumption and fixed charges at the rates specified in the Fees By-law, unless the owner meets the criteria for a Water and Wastewater Billing Exception as defined in this by-law. .
- 8.3 All residential water and wastewater bills will be calculated and billed based on bi-monthly meter readings.
- 8.4 All non-residential water and wastewater bills will be calculated and billed based on monthly meter readings.
- 8.5 All water passing through the meter shall be charged for whether used or wasted.
- 8.6 In the event of a dispute, the reading of the meter register shall be the sole evidence of the quantity of water supplied to a property owner unless the meter is proven to be defective through a meter test conducted by the City.
- 8.7 In instances where there is a discrepancy between the meter register and the remote reading device, the reading taken from the meter register will be deemed to be correct.
- 8.8 If a property is occupied prior to a meter being installed, the owner shall be retroactively charged for water and wastewater services at the unmetered rate for water and/or wastewater as specified in the Fees By-law back to the date of occupancy as determined by the Treasurer and the decision of the Treasurer shall be final.
- 8.9 Where a property receives water and/or wastewater services but does not have a meter, an unmetered rate water and/or wastewater usage charge as set out in the Fees By-law shall be billed. The unmetered rate amount so billed may be retroactively adjusted up to one year by the Treasurer should the subsequent metered consumption over the period of one year indicate consumption at a level that is at least 20% less than the consumption utilized to determine the unmetered rate charges.
- 8.10 If a meter fails to register or a read is not collected for any other reason, the customer shall be charged on the basis of a reasonable estimate as determined by the Treasurer derived from previous consumption at the property where available.
- 8.11 If a billing calculation error is made, the account may be retroactively recalculated for a period not exceeding one year from the date of detection with resulting credits or charges being applied to the account.
- 8.12 If water and wastewater charges are added or require adjustment as a result of the provisions of this by-law not being met, the charges may be readjusted retroactively to the date at which it is determined, in the opinion of the Treasurer, that the provisions were violated and the decision of the Treasurer shall be final.
- 8.13 If water is supplied to only one party in a property, and the owner requests that the occupant be billed directly, the City will do so as a convenience to the owner under the following conditions:
  - a) The owner assumes full responsibility for all charges applied to the account for the provision of water and wastewater services in the event that the occupant fails to pay
  - b) An authorization form be completed and signed by the owner and returned to the City
- 8.14 Upon reasonable notice to the owner, the City may at any time and for any reason, discontinue billing the occupant and bill the owner directly for the water and wastewater charges of the occupant.
- 8.15 If water is supplied to more than one party through a single meter, the account for the water and wastewater supply shall be billed to the owner of the property
- 8.16 All fees charged under this by-law are deemed to represent the cost of providing water and wastewater services and therefore are considered a lien on the land.

**9.0 WATER AND WASTEWATER BILLING EXCEPTIONS**

- 9.1 Properties connected to the municipal wastewater works will not be eligible for the water only rate solely by the fact that the owner chooses not to utilize the wastewater connection. Properties will be deemed connected when the building wastewater connection extends from the municipal main and terminates within the building.
- 9.2 Properties connected to the municipal wastewater works that have private water supplies and that have not met the criteria for the wastewater only rate will be deemed to be generating water and wastewater in accordance with total daily design wastewater flows listed in Subsection 8.2.1.3 of the Ontario Building Code or, for uses not listed in Subsection 8.2.1.3, such other rate as is deemed appropriate by the Operations Department.
- 9.3 No exemptions from the water rate shall be permitted solely because of tax exempt status under the Assessment Act.
- 9.4 Properties will be eligible for the water only or wastewater only rates as specified in the Fees By-law under the conditions outlined in this section.

- 9.5 The Water Only rate applies to those properties connected to the municipal drinking water system and that use an on-site wastewater system (e.g. septic tank and tiles or a holding tank).
- a) The owner must demonstrate that the property does not have a connection to the municipal wastewater works available and,
  - b) The owner shall submit a completed Water Only application and fee, including wastewater system approval under Part VIII of the Ontario Building Code or a Use permit under Part VIII of the Environmental Protection Act, R.S.O. 1990 or its predecessors and,
  - c) The Owner will, upon availability of wastewater connection, notify the City and the Water Only rate status will be discontinued.
  - d) The City reserves the right to verify the continued validity of the Water Only rate status.
- 9.6 The Wastewater Only rate applies to those properties connected to the municipal wastewater works that use a private water supply.
- a) The owner shall obtain the required permits and submit a Wastewater Only rate application and fee including a lot flow diagram to the Finance Department and,
  - b) The owner will provide a meter, approved by the Operations Department, to measure water consumption for the calculation of wastewater charges.
  - c) The meter installation shall be approved by the Operations Department.
- 9.7 A Class III Exemption is available to Industrial, Commercial and/or Institutional water users who redirect a minimum of 100 m<sup>3</sup> of water per month away from the municipal wastewater works due to evaporative losses in HVAC systems, water consumed in product, irrigation and once through cooling water.
- a) For the purpose of this policy, multi-residential units using a single water supply will be considered as a commercial water user.
  - b) Owners currently registered for a Class III Exemption relating to irrigation will be phased out over a period of five years from the date of the enactment of this by-law.
  - c) To continue to be eligible for the Class III Exemption for process related exemptions and for the five remaining years of the irrigation exemption program:
    - i. Water returned to the municipal storm or wastewater works shall comply with current Sewer Use by-law limits.
    - ii. All exemption meters or other measuring devices shall be provided and maintained by the applicant. Failure to use approved water volume measuring devices that yield accurate readings will result in wastewater use charges according to the Fees By-law unless alternative consumption measurements are approved by the Director of Operations.
    - iii. Applicant must ensure that all other legislative requirements are met and that all necessary permits have been obtained.
  - d) The Class III exemptions for both process and irrigation reasons, will be automatically discontinued in the event of a change in ownership, tenancy or related plumbing system. In the case of the process exemption, the new owner will need to re-apply to become eligible for the exemption.
  - e) Applicants for this program shall submit a completed Class III exemption application, including the schematics of piping and metering to the Operation Centre. Any proposed changes must be approved by the Operations Department.

## 10.0 FINAL BILLING

- 10.1 When a customer proposes to vacate the property supplied by water he or she shall request a final reading at least five days before vacating the property.
- 10.2 An owner or agent may request a certificate from the Treasurer showing the amount of water and wastewater charges outstanding against the property, if any and the period for which they apply, at any time.
- 10.3 An owner or occupant or their agent, who commences to occupy a property provided with water and wastewater service shall forthwith notify the City so a new account can be created.
- 10.4 All ownership and occupancy changes shall be subject to a new account fee in the amount specified in the Fees By-law.

- 10.5 The new account fee shall not be applied to builders unless the property is occupied by the builder.
- 10.6 If the final billing of the previous occupant remains outstanding, such charges are a lien on the land and shall be transferred to the property tax account in accordance with the provisions of the *Municipal Act, 2001*.

#### **11.0 FIRE PROTECTION BILLINGS**

- 11.1 An annual charge for each private fire hydrant supplied with water from the municipal system will be applied to the account as specified in the Fees By-law.
- 11.2 An annual charge for each private connection made to the municipal drinking water system to supply automatic sprinkler systems, standpipes or other fire protection systems will be applied to the account as specified in the Fees By-law.

#### **12.0 COLLECTIONS**

- 12.1 Payments are due on the date indicated on the water bills and will be at least 21 days following the billing date.
  - 12.2 Payments by mail will be processed as of the date the payment is received.
  - 12.3 Partial payments received on accounts that are in arrears, in each instance, shall be applied to penalties and interest first and then water and wastewater charges.
  - 12.4 A service charge shall be applied in accordance with the Fees By-law, if a payment is dishonoured by the bank for any reason.
  - 12.5 All unpaid fees and charges will be charged a penalty at a rate of 1.25% as of the payment due date.
  - 12.6 All fees and charges relating to the supply of water and wastewater services or for any other expenses, fees or charges provided for in this by-law shall be paid by the owner or occupant of the property.
  - 12.8 If the fees and charges are not paid by the owner or occupant for any reason, the City may transfer the unpaid fees and charges to the property tax account in accordance with the provisions of the *Municipal Act, 2001*.
  - 12.9 Prior to transferring unpaid fees and charges to the property tax account the City shall:
    - a) Issue a reminder notice at least 14 days following the due date
    - b) Issue a final notice at least 14 days from the issuance of the reminder notices. If the property is tenanted, a final notice will also be sent to the owner.
  - 12.10 The unpaid fees and charges will be transferred to the property tax account at least 14 days following the final notice. A notice will be sent to the owner of the property owner indicating the amount applied to the property tax account at that time of transfer.
  - 12.11 Notwithstanding section 60, the City reserves the right to shut off the supply of water to any premise that has unpaid fees and charges. The City shall restore the supply of water upon payment to the City of such overdue amounts plus any applicable service charges, penalties and interest.
- #### **13.0 DISCONTINUANCE OF USE OF WATER**
- 13.1 Any customer wishing to discontinue the use of water supplied from the City's drinking water system, must give notice thereof to the City or the water and wastewater charges will continue to be calculated in accordance with this by-law until such notice is given or the water is turned off.
- #### **14.0 RESPONSIBILITIES OF PROPERTY OWNER**
- 14.1 It is the owner's responsibility to ensure that all meters, fixtures and pipes of every kind used in connection with the supply of water are readily accessible and free from obstruction at all times.
  - 14.2 It is the owner's responsibility to maintain in proper working order and good repair, at its own expense, the private water services, plumbing system and all its fixtures and appurtenances.
  - 14.3 All private water services including the meter shall be properly protected from frost and any other damage at the expense and risk of the owner of the property being serviced.
  - 14.4 The owner shall be responsible for the water loss caused by a leak in the private water service and the charge for such water loss shall be determined by the Director of Operations, shall be paid by the owner upon demand by the City, and the City shall not be held responsible for any damages arising from such leakage.
  - 14.5 When any property is left vacant or without heat, it is the owner's responsibility to shut off the water supply from within the property and to drain the piping therein.
  - 14.6 The owner or occupant may apply in writing to the City to have the curb stop valve turned off to stop water supply. The valve will be turned on only at the owner's request and in the owner's presence. The owner shall pay for this service at the rate as specified in the Fees By-law.

- 14.7 When any property left vacant, unattended or without heat, where the water supply has not been shut off, suffers damage to it and its contents from a leaking or burst water pipe, neither the owner nor occupant shall have a claim against the City.
- 14.8 Should the Director of Operations become aware of such leaking or burst pipes, the Director of Operations shall turn off the curb stop valve, and the water supply shall not be turned on until the Director of Operations, in his/her discretion, shall consider it advisable. The owner shall pay for this service at the rate as specified in the Fees By-law.
- 14.9 Thawing out frozen private water services shall be the owner's responsibility and expense. Where any employee of the City assists the owner in the thawing of frozen pipes on the owner's property, all such assistance work will be considered to be at the owner's risk, and the owner shall have no claim against the City by reason of such work.

#### **15.0 PROHIBITIONS**

- 15.1 No person shall willfully hinder or interrupt, or cause or procure to be hindered or interrupted, the City or any of its officers, contractors, agents, servants or workers, in the exercise of any of the power conferred by this By-Law.
- 15.2 No person shall willfully or maliciously tamper with or damage any meter, water service or any appurtenances belonging to the City or willfully impair or knowingly suffers the same to be altered or impaired, so that the meter indicates less than the actual amount of the water that passes through it.
- 15.3 No person shall willfully let off or discharge water so that the water runs waste or useless of the works.
- 15.4 No person shall being an owner or occupant or other supplied with water from the drinking water system, improperly waste the water or, without the consent of the City, lend, sell, or dispose of the water, give it away, permit it to be taken or carried away, use or apply it to the use or benefit of another, or to any use and benefit other than his or her own.
- 15.5 No person shall without lawful authority, willfully open or close any valve or hydrant, or obstruct the free access to any hydrant, valve, chamber or pipe by placing on it any building material, rubbish or other obstruction.
- 15.6 No person shall use any water supplied or made available for any land or building for the purposes of construction as approved by the Director of Operations or for the protection of property or person from fire or preventing fires or the spreading of fires, for any other purpose.
- 15.7 No person shall throw or deposit any injurious or offensive matter into the water, drinking water system or wastewater system, or upon the ice if the water is frozen, or in any way foul the water or commit any willful damage or injury to the works, pipes or water, or encourage the same to be done.
- 15.8 No person shall willfully alter any meter placed upon any service pipe or connected therewith, within or without any building or other place, so as to lessen or alter the amount of water registered.
- 15.9 No person shall lay or cause to be laid any pipe or watermain to connect with any pipe or watermain of the waterworks, or in any way obtain or use the water without the consent of the Director of Operations.

#### **16.0 ENFORCEMENT**

- 16.1 The Director of Operations may, at all reasonable times, enter and inspect a property to determine whether there is any unlawful use of the drinking water system or wastewater works and to provide for the enforcement of this by-law.
- 16.2 All water used on property within the City, except water used for fire fighting purposes, or water authorized by the Director of Operations, for construction or other purposes, shall pass through the meter supplied by the City for use upon such property, and in addition to whatever other remedies the City may have by law in respect to infringement of this By-Law, the City may, upon ascertaining that water has been unlawfully used they may shut off and stop the supply of water without notice.
- 16.3 Every person who willfully or maliciously damages or causes damage to any meter, water service or any appurtenances belonging to the City or willfully impairs or knowingly suffers the same to be altered or impaired, so that the meter indicates less than the actual amount of the water that passes through it, is guilty of an offence and on conviction is liable to a fine, to the use of the City, and for any expenses of repairing or replacing the meter, water service or any appurtenances and double the value of the surplus water so consumed, all of which is recoverable under the Provincial Offences Act.

#### **17.0 PENALTY**

- 17.1 Every person who contravenes any of the provisions of any section of this by-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a By-law by the Corporation is guilty of an offence under the provisions of the Municipal Act, 2001 s429



- 17.2 For the purpose of continuous offences, every person who contravenes any provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a By-law by the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act, 2001, s, 429 (3) as amended. Despite paragraph 1, the total of all daily fines for the offence is not limited to \$100,000.
- 17.3 For the purpose of multiple offences, every person who contravenes any provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a By-law by the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act, 2001, s, 429 (3) as amended. Despite paragraph 1, the total of all daily fines for the offence is not limited to \$100,000.
18. **THAT** this By-law shall come into force and have effect on October 1, 2011.

**READ** a first and second time this 15<sup>th</sup> day of August, 2011.

**READ** a third time and finally passed this 15<sup>th</sup> day of August, 2011.

**THE CORPORATION OF THE CITY OF BARRIE**

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**MAYOR –J. R. LEHMAN**

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**CITY CLERK – DAWN A. MCALPINE**